

Message Text

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PAGE 01 NICOSI 00352 01 OF 02 041707Z
ACTION SS-25

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R 041635Z FEB 77
FM AMEMBASSY NICOSIA
TO SECSTATE WASHDC 5267

S E C R E T SECTION 1 OF 2 NICOSIA 0352

EXDIS

E.O. 11652: XGDS-3
TAGS: PFOR, SY, CY, US
SUBJECT: DAVIES CASE

REF: NICOSIA 0296

SUMMARY: CYPOL INVESTIGATION INTO MURDER OF
AMBASSADOR DAVIES AND ANTOINETTE VARNAVA HAS
BEEN CONCLUDED AND REPORT FORWARDED TO
THE GOC ATTORNEY GENERAL. CYPOL HAS RECOMMENDED PRE-
MEDITATED MURDER CHARGES AGAINST KTIMATIAS, LEFTIS
AND LOIZOU SAVVA. FIVE OTHER SUSPECTS BEING CHARGED
ON LESSER COUNTS. COVERING REPORT REVIEWED BY PHERSON
WHO FINDS IT ESSENTIALLY ACCURATE EXCEPT FOR CONFLICTS
IN SOTIRIOU INFORMATION. PHERSON TO PURSUE THESE
CONFLICTS WITH SOTIRIOU. ATTORNEY GENERAL HAS ACCEPTED
OUR SUGGESTION TO VIEW TELEVISION FILMS OF AUGUST 19,
1974 RIOTS AND INDICATES PRESIDENT MAKARIOS MAY VIEW
FILMS AT SAME TIME. LOCAL PRESS COVERAGE ANNOUNCES
CYPOL FORWARDING DAVIES CASE TO ATTORNEY GENERAL AND
EXPECTS PROSECUTION TO RESULT. END SUMMARY.

1. PHERSON HAD LENGTHY DISCUSSIONS WITH ASST.
COMMANDER CYPOL DEMETRIOU ON JAN 31 AND FEB 1,
1977. DURING THESE MEETINGS THE NATURE OF THE CHARGES

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AGAINST THE ACCUSED, WHO WILL BE EIGHT IN NUMBER,
WAS THOROUGHLY EXPLORED AND EXPLAINED. ON FEB 1
PHERSON READ THE KEY PARTS OF THE CYPOL REPORT, WHICH
WAS IN THE PROCESS OF BEING ASSEMBLED. BY AGREEMENT
WITH CYPOL HE MADE NO WRITTEN NOTES, WITH THE UNDER-
STANDING HE WOULD BE GIVEN A COMPLETE COPY WITHIN A
DAY OR SO.

2. THE COVERING REPORT WAS FORWARDED TO THE ATTORNEY GENERAL ON FEB 2. A/G HAS ADVISED CYPOL NOT TO RELEASE A COPY TO THE EMBASSY UNTIL HE HAD READ THE REPORT AND APPROVED THE RELEASE. DEMETRIOU HAS ASSURED PHERSON THERE HAVE BEEN NO CHANGES IN THE REPORT AS READY BY PHERSON.

3. IN PHERSON'S OPINION THE COVERING REPORT REPRESENTS AN ACCURATE SUMMARY OF THE DAVIES INVESTIGATION WHEN WEIGHED AGAINST EARLIER DISCUSSIONS AND REVIEWS OF THE CASE WITH DEMETRIOU AND PETRIDES DURING THE PREVIOUS NINE MONTHS. A POINT OF CONFLICT, HOWEVER, IS CLEARLY PRESENT IN THE STATEMENTS OF SOTIRIOU. PHERSON WILL DISCUSS THESE INCONSISTENCIES WITH SOTIRIOU AT THEIR NEXT SCHEDULED MEETING ON FEB 3. WE EXPECT CYPOL TO RE-INTERVIEW SOTIRIOU BEFORE THE CASE GOES TO TRIAL.

4. DEMETRIOU HAS REVERSED HIS PRIOR DETERMINATION TO FORWARD THE CASE TO THE GOC ATTORNEY GENERAL WITHOUT SPECIFIC RECOMMENDATIONS AS TO CHARGES. (COMMENT: THIS REVERSAL OF DEMETRIOU'S EARLIER POSITION MAY STEM FROM OUR EFFORTS OF MONDAY EVENING, JAN 31, I.E., THE AMBASSADOR/A/G, DCM/PELAGHIAS AND PHERSON/DEMETRIOU DISCUSSIONS ON THE STATUS OF THE INVESTIGATION. END COMMENT.) DEMETRIOU HAS SET FORTH ON PAGE ONE OF THE COVERING REPORT, UNDER THE HEADING OFFENCES, THE FOLLOWING CHARGES:

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A.- ACCUSED 1, 2 AND 3 (YANNAKIS THEODOROU, AKA KTIMITIAS; NEOPTOLOMOS GEORGIU, AKA LEFTIS; AND LOIZOU SAVVA) - PREMEDITATED MURDER - SECTION 203(1) (2) OF CHAPTER 154 CYPRUS CRIMINAL CODE (A FELONY, MAXIMUM SENTENCE DEATH)

B.- ACCUSED 4 AND 5 (XENOFON XENOFONTOS AND NICOS DEMITRIADES) -

I - CARRYING ARMS TO TERRORIZE - SECTION 80, CHAPTER 154 (A MISDEMEANOR, MAXIMUM SENTENCE TWO YEARS)

II - TAKING PART IN RIOT - SECTIONS 70 AND 72, CHAPTER 154 (A MISDEMEANOR, MAXIMUM SENTENCE THREE YEARS)

C.- ACCUSED 6 AND 7 (VASILIS PROESTOS AND COSTAKIS

CHARALAMBOS) -

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S E C R E T SECTION 2 OF 2 NICOSIA 0352

EXDIS

I - POSSESSING EXPLOSIVE SUBSTANCES - SECTION 4,
CHAPTER 54 (A FELONY, MAXIMUM SENTENCE SEVEN
YEARS)

II - TAKING PART IN A RIOT - (SEE ABOVE)

D.- ACCUSED 8 (CHRISTOS LEONIDA) -

I - TAKING PART IN A RIOT (SEE ABOVE)

II - CAUSING MALICIOUS DAMAGES - SECTION 324,
CHAPTER 154 (A MISDEMEANOR, MAXIMUM SENTENCE
THREE YEARS)

5. PHERSON EXPRESSED HIS CONCERN TO DEMETRIOU THAT THE
CYPOL COVERING REPORT DID NOT REFLECT A STRONG ENOUGH
CASE TO JUSTIFY PREMEDITATED MURDER CHARGES AGAINST
LEFTIS AND LOIZOU SAVVA. HE ASKED DEMETRIOU FOR HIS
ASSESSMENT OF TH CHANCES FOR SUCCESSFUL PROSECUTION
AGAINST THESE TWO MEN. DEMETRIOU RESPONDED THAT IT WAS
THE ATTORNEY GENERAL'S RESPONSIBILITY TO DETERMINE
WHETHER LESSER CHARGES SHOULD BE MADE AGAINST THE
ACCUSED. CYPOL HAD DECIDED TO RECOMMEND THE STRONGEST
CHARGES POSSIBLE, WHICH THEY BELIEVED COULD BE SUS-
TAINED BY THE INVESTIGATION. DEMETRIOU WAS CONFIDENT
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THAT ALL EIGHT OF THE ACCUSED WOULD BE CONVICTED ON THE FINAL CHARGES BROUGHT BY THE ATTORNEY GENERAL.

6. TORNARITIS (A/G) TELEPHONED ME ON FEB 2, INDICATED HE HAD RECEIVED THE CYPOL COVERING REPORT, WOULD DISCUSS IT WITH ME FOLLOWING HIS REVIEW OF IT, AND WOULD LIKE TO SEE THE TV FILMS AT SOME EARLY DATE. HE ADDED THAT PRESIDENT MAKARIOS MAY DESIRE TO SEE THE FILMS AT THE SAME TIME. (IN OUR JANUARY 31 MEETING, I HAD DESCRIBED THE ABC AND NBC TELEVISION FILM COVERAGE OF THE AUGUST 19, 1974 RIOTS TO THE A/G AND OFFERED TO SHOW THEM TO HIM AT HIS CONVENIENCE.

7. THE CYPRUS PRESS (AGHON) CARRIED A SHORT ARTICLE ON FEB 2 INDICATING CYPOL HAD COMPLETED ITS INVESTIGATION OF THE MURDER OF AMBASSADOR RODGER DAVIES AND WOULD FORWARD THE CASE TO THE ATTORNEY GENERAL IN THE NEXT FEW DAYS. AGHON ADDED THAT IT WAS LIKELY THAT SOME PERSONS WOULD BE BROUGHT TO TRIAL.

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